

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Letters Patent of:

Judith MELK1 et al.

Patent No.: 7,033,752

Confirmation No.: 3158

Issued: April 25, 2006

Art Unit: 1647

For: SPINAL MUSCULAR ATROPHY
DIAGNOSTIC METHODS

Examiner: R. HAYES

REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 35 U.S.C. 255 AND 37 C.F.R. 1.323

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Upon reviewing the above-identified patent, the errors shown in the attached PTO/SB/44 were noted. Specifically, the following typographical errors were noted in claims 1, 11, and 22.

1) **Error 1** - Claim 1, column 67, line 22, should be amended as follows: --SEQ ID NO: ~~12~~ **13**--.

This correction to claim 1 is made to correct a readily apparent typographical error, which was introduced claim 1, after it was in condition for allowance. Claim 1, lines 20-22 state, in part, “or exon 8 to the corresponding exon from nucleotide position 846 to nucleotide position 1408 of SEQ ID NO:12...” However, it is readily apparent upon reading the specification at column 11, lines 3-12, wherein FIG 3A and FIG 3B are described, that there is an error in the reference to SEQ ID NO:12. SEQ ID NO:12 corresponds to FIG 3A. However, there is no exon in positions 846 to 1408 in FIG 3A (i.e. SEQ ID NO:12). Rather it is apparent upon considering FIG 3B that the exon is present at positions 846 to 1408 of FIG 3B, i.e. SEQ ID NO:13.

A review of the file-history of the '752 patent shows that this typographical error was introduced into the specification, after claim 1 was indicated as being allowable by the Examiner. Claim 1 as issued in the '752 patent corresponds to claim 40 of the response of February 13, 2002. In that response, it can be seen that claim 40 (issued claim 1) correctly recited SEQ ID NO: 13 with regards to the exon at positions 846 to 1408. On February 17, 2004, the Examiner indicated that claim 40 was allowed. Claim 40 was not amended in the time from the response of February 13, 2002, to the indication that claim 40 was allowable on February 17, 2004. Thus, the Examiner allowed the claim with the proper recitation of SEQ ID NO:13. On October 19, 2004, Applicants submitted an amendment, in which claim 40 was not amended and was indicated as being allowed. Unfortunately, in drafting the claim set for the response of October 19, 2004, a typographical error was introduced into claim 40 (issued claim 1) and SEQ ID NO: 13, was mistyped as SEQ ID NO:12 with reference to the exon at positions 846 to 1408. It is clear that the claim as allowed recited the correct sequence and the error was introduced after allowance. In addition, the presence and correction of the error are readily apparent from specification and FIG 3A and FIG 3B. As such, correction of this error is appropriate through Certificate of Correction.

2) **Error 2** – The following typographical error should be corrected in claim 1, line 19; claim 11, line 31; and claim 22, line 18.

--nucleotides ~~340~~ **348** to 401 of SEQ ID NO:13--

The typographical error to claim 1 (pending claim 40) and claim 11 (pending claim 50) was introduced with the amendment filed on February 13, 2002. The error to claim 22 (pending claim 69) was introduced with the amendment filed on January 29, 2003. A review of the claims and specification readily identify the presence and correction of this error. The corrected parts of claims 1, 11 and 22 refer to exon 7 of SEQ ID NO:13. Exon 7 is discussed at column 11, lines 10-12 of the specification, which states, "FIG 3B (SEQ ID NO:13) represents the sequence from intron 6 up to the end of exon 8 of the T-BCD541 gene. The sequence of exons 7 and 8 is underlined." (emphasis added) Exon 7 is further discussed at column 11, lines 38-48, which discuss FIG. 10. FIG 10. similarly depicts exon 7. It would be readily apparent from the specification, particularly from column 11, lines 10-12 and 38-48 and FIG 3B and FIG 10 that the correct start position of Exon 7 is at position ~~340~~ **348** of SEQ ID NO:13 rather than at position

340, i.e. the underlined part of FIG 3B and beginning of the coded part of FIG 10. In addition, since the correct sequence is 8 bases shorter than the sequence considered by the Examiner, and thus of narrower scope, no issue raised that would require additional examination. As such, correction of this error is appropriate through Certificate of Correction.

The mistakes sought to be corrected are part of a clerical or typographical nature, or of minor character, at least one of which was not the fault of the PTO. The errors were made in good faith and do not involve such changes in the patent as would constitute new matter or require reexamination.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated:

OCT 3 2011

Respectfully submitted,

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Attachment: Certificate of Correction Form PTO/SB/44

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

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PATENT NO. : 7,033,752
APPLICATION NO. : 09/109,082
ISSUE DATE : April 25, 2006
INVENTOR(S) : Judith MELKI et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the claims:

Claim 1, column 67, line 19,

"position 340" should read --position 348-- ;

Claim 1, column 67, line 22,

"SEQ ID NO:12" should read --SEQ ID NO:13--;

Claim 11, column 68, line 32,

"position 340" should read --position 348-- ;

Claim 22, column 70, line 18,

"nucleotides 340 to" should read --nucleotides 348 to--

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